

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE**

IN RE:)	
)	
KEITH S. TOBIAS and)	Case No. 09-08107-KL3-11
(SSN XXX-XX-8866))	(Chapter 11)
)	Judge Keith M. Lundin
KAREN A. TOBIAS,)	
(SSN XXX-XX-9198))	
)	
Debtors-in-Possession.)	
)	
SUNTRUST MORTGAGE, INC.,)	
)	
Movant,)	
)	
v.)	Contested Matter
)	
KEITH S. TOBIAS and)	
KAREN A. TOBIAS,)	
)	
Respondents.)	

**RESPONSE OF DEBTORS TO MOTION BY SUNTRUST MORTGAGE, INC.
FOR RELIEF FROM THE AUTOMATIC STAY**

The debtors-in-possession, Keith S. and Karen A. Tobias (collectively, the "Debtor"), in response to the "Motion by SunTrust Mortgage, Inc. for Relief from the Automatic Stay" (Document No. 15) (the "Motion") dated August 12, 2009, would state as follows:

First Defense

1.01 The Debtor admits the allegations contained in paragraph 1 of the Motion.

1.02 With respect to the allegations contained in paragraph 2 of the Motion, the Debtor would state that they are allegations of law, not fact, and therefore, no response is necessary.

1.03 With respect to the allegations contained in paragraph 3 of the Motion, the Deed of Trust referred to therein speaks for itself and the Debtor neither admits nor denies the allegations contained in paragraph 3 of the Motion.

1.04 The Debtor denies the allegations contained in paragraph 4 of the Motion.

1.05 With respect to the allegations contained in paragraph 5 of the Motion, the Deed of Trust referred to therein speaks for itself and the Debtor neither admits nor denies the allegations contained in paragraph 5 of the Motion.

1.06 The Debtor admits the allegations contained in paragraph 6 of the Motion.

1.07 With respect to the allegations contained in paragraph 7 of the Motion, the Schedules referred to therein speak for themselves and the Debtor neither admits nor denies the allegations contained in paragraph 7 of the Motion.

1.08 The Debtor denies the allegations contained in paragraph 8 of the Motion.

1.09 The Debtor denies the allegations contained in paragraph 9 of the Motion.

1.10 The Debtor denies each and every other allegation of the Motion not hereinabove either admitted, denied or explained.

Second Defense

2.01 The subject real property is necessary to an effective reorganization of the Debtor's affairs.

Third Defense

3.01 Cause does not exist for granting relief from the automatic stay under Bankruptcy Code section 362(d).

Fourth Defense

4.01 The Debtor expects to file a plan of reorganization in the near future. The plan has a reasonable possibility of being confirmed within a reasonable period of time.

Prayer for Relief

THEREFORE, the Debtor requests the following:

1. That an order be entered denying the Motion; and
2. That the Debtor be granted such other relief as the Court deems just and appropriate.

Dated: August 14, 2009.

Respectfully submitted,

/s/ Joseph P. Rusnak
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Attorneys for the Debtors-in-Possession

Certificate of Service

The undersigned hereby certifies that a true and exact copy of the "Response of Debtors to Motion by SunTrust Mortgage, Inc. for Relief From Automatic Stay" has been served upon and the following counsel for the parties in interest herein by mailing same to the office of said parties by United States mail with sufficient postage thereon to carry the same to its destination:

U.S. Trustee
318 Customs House
701 Broadway
Nashville, TN 37203

Angel R. Gordon, Esq.
Johnson & Freeman, LLC
1587 Northeast Expressway
Atlanta, GA 30329

Dated: August 14, 2009.

/s/ Joseph P. Rusnak

Joseph P. Rusnak

xc: Mr. & Mrs. Keith Tobias

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